

CASREF,STAYED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-01877-EGS-GMH**

DEMOCRACY FORWARD FOUNDATION v. U.S.  
DEPARTMENT OF JUSTICE  
Assigned to: Judge Emmet G. Sullivan  
Referred to: Magistrate Judge G. Michael Harvey  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/13/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**DEMOCRACY FORWARD  
FOUNDATION**

represented by **John T. Lewis , III**  
DEMOCRACY FORWARD  
FOUNDATION  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Skye L. Perryman**  
DEMOCRACY FORWARD  
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Email: [sperryman@democracyforward.org](mailto:sperryman@democracyforward.org)  
**TERMINATED: 04/16/2018**

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF JUSTICE**

represented by **Rachael Lynn Westmoreland**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
P.O. Box 883  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/13/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-5114331) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Perryman, Skye) (Entered: 09/13/2017)
09/13/2017	<u>2</u>	NOTICE of Exhibits by DEMOCRACY FORWARD FOUNDATION re <u>1</u> Complaint, (Perryman, Skye) (Entered: 09/13/2017)
09/13/2017	<u>3</u>	NOTICE of Substitution of Summons by DEMOCRACY FORWARD FOUNDATION (Perryman, Skye) (Entered: 09/13/2017)
09/13/2017		Case Assigned to Judge Emmet G. Sullivan. (md) (Entered: 09/15/2017)
09/15/2017	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt.

		The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 09/15/17. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 09/15/2017)
09/18/2017	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 09/18/2017)
10/06/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/25/2017. (Attachments: # <u>1</u> Declaration of Benjamin J. Link)(Perryman, Skye) Modified on 10/10/2017 (znmw). (Entered: 10/06/2017)
10/06/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/22/2017. ( Answer due for ALL FEDERAL DEFENDANTS by 10/22/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 9/25/2017. (See Docket Entry <u>6</u> to view document). (znmw) (Entered: 10/10/2017)
10/23/2017	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Westmoreland, Rachael) (Entered: 10/23/2017)
10/24/2017		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than November 20, 2017. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on October 24, 2017. (lcegs2) (Entered: 10/24/2017)
10/25/2017		Set/Reset Deadlines: Joint Scheduling Order Or Each Party's Individual Recommendations due by 11/20/2017. (mac) (Entered: 10/25/2017)
11/20/2017	<u>9</u>	PROPOSED BRIEFING SCHEDULE <i>Proposed Scheduling Order</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Westmoreland, Rachael) Modified event title on 11/21/2017 (znmw). (Entered: 11/20/2017)
11/22/2017		MINUTE ORDER. In view of <u>9</u> the parties' joint status report, the parties are directed to comply with the following briefing schedule: defendant's motion for summary judgment shall be filed by no later than January 19, 2018; plaintiff's combined opposition and cross-motion for summary judgment shall be filed by no later than February 16, 2018; defendant's reply and opposition to plaintiff's cross-motion shall be filed by no later than March 16, 2018; and plaintiff's reply in support of its motion shall be filed by no later than April 6, 2018. Signed by Judge Emmet G. Sullivan on November 22, 2017. (lcegs2) (Entered: 11/22/2017)
11/22/2017		Set/Reset Deadlines: Summary Judgment motions due by 1/19/2018. Response to Motion for Summary Judgment due by 2/16/2018. Reply to Motion for Summary Judgment due by 3/16/2018. Replies due by 4/6/2018. (znbn) (Entered: 11/22/2017)
01/19/2018	<u>10</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit Jolly Declaration, # <u>4</u> Exhibit Wong Declaration, # <u>5</u> Text of Proposed Order)(Westmoreland, Rachael) (Entered: 01/19/2018)
02/14/2018	<u>11</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION for Summary Judgment by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Perryman, Skye) (Entered: 02/14/2018)

02/15/2018		MINUTE ORDER granting <u>11</u> plaintiff's consent motion for an extension of time. Plaintiff's opposition to defendant's motion for summary judgment, combined with its cross-motion for summary judgment, shall be filed by no later than February 27, 2018. Defendant's combined reply and opposition to plaintiff's cross-motion shall be filed by no later than March 22, 2018. Plaintiff's reply in support of its cross-motion shall be filed by no later than April 5, 2018. Signed by Judge Emmet G. Sullivan on February 15, 2018. (lcegs2) (Entered: 02/15/2018)
02/16/2018		Set/Reset Deadlines: Plaintiff's Opposition To Defendant's Motion For Summary Judgment, Combined With Its Cross-Motion For Summary Judgment due by 2/27/2018. Defendant's Combined Reply And Opposition To Plaintiff's Cross-Motion due by 3/22/2018. Plaintiff's Reply In Support Of Its Cross-Motion due by 4/5/2018. (mac) (Entered: 02/16/2018)
02/27/2018	<u>12</u>	RESPONSE re <u>10</u> MOTION for Summary Judgment filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Statement of Facts PLAINTIFF'S STATEMENT OF MATERIAL FACTS IN OPPOSITION TO DEFENDANTS STATEMENT OF MATERIAL FACTS, # <u>2</u> Exhibit A, # <u>3</u> Text of Proposed Order)(Perryman, Skye) (Entered: 02/27/2018)
03/22/2018	<u>13</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Westmoreland, Rachael) (Entered: 03/22/2018)
03/22/2018	<u>14</u>	NOTICE of <i>Filing Properly Formatted Statement of Material Facts as to Which There Is No Genuine Issue</i> by UNITED STATES DEPARTMENT OF JUSTICE (Westmoreland, Rachael) (Entered: 03/22/2018)
04/16/2018	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John T. Lewis on behalf of DEMOCRACY FORWARD FOUNDATION Substituting for attorney Skye L. Perryman (Lewis, John) (Entered: 04/16/2018)
07/05/2018		MINUTE ORDER. Pursuant to Local Civil Rule 72.3(a)(3), the Court hereby refers <u>10</u> defendant's motion for summary judgment to a magistrate judge for a report and recommendation. All proceedings before the Honorable Emmet G. Sullivan are hereby STAYED pending receipt of a report and recommendation. Signed by Judge Emmet G. Sullivan on July 5, 2018. (lcegs2) (Entered: 07/05/2018)
07/07/2018		CASE RANDOMLY REFERRED to Magistrate Judge G. Michael Harvey for report and recommendation. (zmd) (Entered: 07/09/2018)
07/11/2018		MINUTE ORDER STAYING CASE. In view of the referral of this matter to a magistrate judge for a report and recommendation, proceedings before Judge Emmet G. Sullivan are HEREBY STAYED.Signed by Judge Emmet G. Sullivan on 7/11/2018. (lcegs1) (Entered: 07/11/2018)
08/29/2019	<u>16</u>	REPORT AND RECOMMENDATION. Signed by Magistrate Judge G. Michael Harvey on 8/29/19. (lcgmh2) (Entered: 08/29/2019)
09/06/2019	<u>17</u>	Joint MOTION for Extension of Time to <i>Object to Report and Recommendation</i> by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Lewis, John) (Entered: 09/06/2019)
09/19/2019	<u>18</u>	OBJECTION to <u>16</u> Report and Recommendations filed by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 09/19/2019)
09/19/2019	<u>19</u>	OBJECTION to <u>16</u> Report and Recommendations filed by UNITED STATES DEPARTMENT OF JUSTICE. (Westmoreland, Rachael) (Entered: 09/19/2019)
10/03/2019	<u>20</u>	RESPONSE re <u>19</u> Objection to Report and Recommendations filed by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 10/03/2019)
10/03/2019	<u>21</u>	RESPONSE re <u>18</u> Objection to Report and Recommendation filed by UNITED STATES DEPARTMENT OF JUSTICE. (Westmoreland, Rachael) (Entered: 10/03/2019)